

**Senate File 371 - Introduced**

SENATE FILE 371  
BY BOULTON

**A BILL FOR**

- 1 An Act relating to preexisting military service-related
- 2 disabilities covered by the second injury fund and including
- 3 applicability provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 85.64, subsection 1, Code 2023, is  
2 amended to read as follows:

3 1. If an employee who has previously lost, or lost the  
4 use of, one hand, one arm, one foot, one leg, or one eye, or  
5 has suffered any other preexisting disability resulting from  
6 the employee's military service, becomes permanently disabled  
7 by a compensable injury which has resulted in the loss of or  
8 loss of use of another such member or organ, the employer  
9 shall be liable only for the degree of disability which would  
10 have resulted from the latter injury if there had been no  
11 preexisting disability. In addition to such compensation, and  
12 after the expiration of the full period provided by law for  
13 the payments thereof by the employer, the employee shall be  
14 paid out of the "Second Injury Fund" created by this subchapter  
15 the remainder of such compensation as would be payable for the  
16 degree of permanent disability involved after first deducting  
17 from such remainder the compensable value of the previously  
18 lost member or organ, or preexisting military service-related  
19 disability.

20 Sec. 2. APPLICABILITY. This Act applies to injuries  
21 occurring on or after the effective date of this Act.

22 EXPLANATION

23 The inclusion of this explanation does not constitute agreement with  
24 the explanation's substance by the members of the general assembly.

25 This bill relates to preexisting military service-related  
26 disabilities covered by the second injury fund.

27 The bill provides that if an employee who has suffered any  
28 preexisting disability resulting from the employee's military  
29 service becomes permanently disabled by a compensable injury  
30 which has resulted in the loss of or loss of use of a bodily  
31 member or organ as specified under current law, the employer  
32 shall be liable only for the degree of disability which would  
33 have resulted from the latter injury if there had been no  
34 preexisting disability.

35 The bill requires, after the expiration of the full period

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1 provided by law for payments from the employer, for the state  
2 second injury fund to provide compensation to the employee  
3 to the degree of permanent disability involved after first  
4 deducting the compensable value of the preexisting military  
5 service-related disability.

6 The bill applies to injuries on or after the effective date  
7 of the bill.